THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO : 20807 of 2005

Dated: 23.09.2005

Between:

M. Sanjeeva Reddy, S/o. Late M.P. Sanjeeva Reddy, (Endowments) and P.A. to Administrative Officer, Sri. Swamy Hathiramji Muth, Tirupathi.

..... PETITIONER

AND

1 The Commissioner of Endowments , A.P. Endowment Depatment, Govt. Of A.P, Tilak Road, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO : 20807 of 2005

ORDER: (Per the Hon'ble Smt Justice T.Meena Kumari)

Questioning the order dated 14.09.2005 in O.A.No.2713 of 2005 on the file of A.P.Administrative Tribunal, Hyderabad, the present writ petition has been filed by the petitioner.

02. It will be necessary to set out the relevant material facts in order to appreciate the controversy arising for decision.

03. The petitioner joined the service on 10.01.1970 as Vth Grade Executive Officer. Subsequently, he was promoted as Assistant Commissioner. Afterthat, he was posted as P.A to Administrative Officer of Sri Hathiramji Muth on 23.11.2003. Again, he was posted as Incharge Administrative Officer of the above Muth in the month of February, 2004. The post was in the rank of Deputy Commissioner, but the appointment of the petitioner as Incharge Adminstrative Officer was in the rank of Assistant Commissioner. While he was incharge of the muth, with regard to the grave allegations as to the property of the muth, he was placed under suspension vide proceedings in RC.No.V1/24617/2005 dated 9.6.2005. Aggrieved thereby, he filed the O.A and the same was dismissed. Challenging the same, the present writ petition has been preferred.

04. The main thrust of the argument of the learned counsel for the petitioner is that the Government alone is the competent authority, but not the Commissioner of Endowments to pass the suspension order.

05. Heard the learned counsel.

06. Perused the entire material on record and the order impunged.

07. In case of grave allegations or in case of pendency of an enquiry, it is the discretion of the concerned either to continue the delinquent or to suspend the delinquent in the office during the pendency of the enquiry. Admittedly, on the allegations as to the property of the muth, the petitioner has been placed under suspension. It is brought to the notice of this Court that the petitioner has submitted his explanation and the enquiry has not yet been ordered.

08. Admittedly, there are certain allegations levelled against the petitioner and in that regard, he was placed under suspension. The truth or otherwise of the allegations have to be decided only during the course of the enquiry. Therefore, the approach of the petitioner at the stage of suspension, is a premature one and it is nothing but an effort to avail the opportunity as a chance on the pretext of competency. It is apperant on the face of the record that no departmental enquiry is instituted.

09. Taking conspectus of the aforesaid facts and circumstances and in view of the fact that no departmental enquiry is initiated so far, without expressing any opinion on the merits of the case, we deem it appropriate to direct the respondents to complete the enquiry within a period of four months from the date of receipt of a copy of this order.

10. Subject to the above direction, the writ petition is disposed of.

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JUSTICE T.MEENA KUMARI

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JUSTICE P.LAKSHMANA REDDY

23.09.2005

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